

Respondents assert that the subpoenas seek relevant discovery through depositions of Towers employees Thomas Kuhlman and Elizabeth Shelley and Abbott's employee Lois Laurie who are identified as potential witnesses in Complaint Counsel's revised witness list. Respondents further contend that the discovery dispute centers around Towers' Drill Down Reports which were written for Abbott, provided to Complaint Counsel, and are mentioned in Complaint Counsel's revised witness list; that Respondents are entitled to the depositions because the witnesses at issue are on Complaint Counsel's witness list.

Abbott and Towers bear the burden to show that compliance with the discovery requests would seriously disrupt its business operations. The burden of showing that the request is unreasonable is on the subpoenaed party. *In re Rambus Inc.*, 2002 FTC LEXIS 90, *9 (Nov. 18, 2002). Further, that burden is not easily met where, as here, the agency inquiry is pursuant to a lawful purpose and the requested documents are relevant to that purpose. *Id.* Breadth alone is not sufficient justification to refuse enforcement of a subpoena. *Id.* Thus courts have refused to modify investigative subpoenas unless compliance threatens to unduly disrupt or seriously hinder normal operations of business. *FTC v. Intel Corp.*, 555 F.2d 1062, 600 P.2d 511 (9th Cir. 1977).

